

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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In re Amendment of Section 73.202(b))
of the Commission's Rules, Table of Allotments,) MM Docket No. 99-***
FM Broadcast Stations) RM-****
(GEORGE WEST AND PEARSALL, TEXAS))

To: The Chief, Allocations Branch, Mass Media Bureau

**PETITION FOR RULE MAKING
AND FOR MODIFICATIONS OF CONSTRUCTION PERMITS**

John R. Furr, holder of the recently issued, unbuilt construction permit for Channel 281A at Pearsall, Texas, by his communications counsel, hereby requests the Commission to initiate a combined rule-making and show-cause proceeding looking toward amending § 73.202(b) of the rules, the FM Table of Allotments, as follows:

COMMUNITY	PRESENT	PROPOSED
GEORGE WEST, TEXAS	281A	265A
PEARSALL, TEXAS	281A	281C1

and concomitant modifications of the construction permits for the George West and Pearsall radio stations, File Nos. BPH-940207MA and BPH-960926MF, respectively.¹

¹According to FCC records, the holder of the George West permit is Four M.L. Broadcasting, 115 West Avenue "D," Robstown, Texas 78380. It is unclear whether the station is or is being built, as no license application appears to be on file.

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1. Mr. Furr holds the recently issued, unbuilt Pearsall construction permit, File No. BPH-960926MF, which authorizes him to serve the community of Pearsall, Texas on Channel 281A. Mr. Furr has discovered that the FCC can upgrade the Class A channel that his construction permit occupies to Class C1 status if the FCC shifts the Class A construction permit for George West from Channel 281 to Channel 265. Clearly, the Pearsall channel's upgrade to Class C1 status will represent a more efficient and thus the preferred distribution and use of FM Broadcast spectrum. Endicott, New York, 51 FCC 2d 50, 51 (1975).

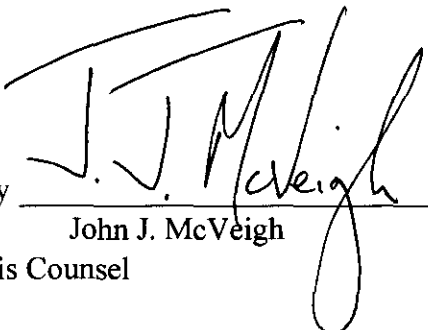
2. Mr. Furr pledges to reimburse the George West permittee for the reasonable and prudent expenses associated with the displacement from Channel 281A to Channel 265A, pursuant to the policy described in Circleville, Ohio, 8 FCC 2d 159 (1967). Assuming the shift of the George West construction permit to Channel 265A, the Commission can upgrade Channel 281 at Pearsall from Class A to Class C1 status in complete compliance with the applicable technical standards. See Exhibit A.

3. Mr. Furr intends to promptly construct and place into service its proposed Class C1 facility, and then to seek a covering license for that facility, if the Commission modifies Mr. Furr's authorization as Mr. Furr proposes in this Petition.

4. For the reasons stated above, the FCC should promptly issue a combined Notice of Proposed Rule Making and Order to Show Cause looking toward the upgrade of Channel 281A at Pearsall to Channel 281C1.

Respectfully submitted,

JOHN R. FURR

By 
John J. McVeigh
His Counsel

JOHN J. McVEIGH, ATTORNEY AT LAW
12101 BLUE PAPER TRAIL
COLUMBIA, MARYLAND 200036
(301) 596-1655

Date: August 23, 1999

EXHIBIT A

TECHNICAL ALLOCATION STATEMENT
NEW(FM), Pearsall, Texas

This statement is prepared on behalf of John R. Furr, the permittee of NEW(FM) in Pearsall, Texas ("Furr"). Furr seeks to modify the table of assignments, Section 73.202(b) of the FCC Rules, in order to up-grade from a Class A (3 kW) to Class C1. As demonstrated in Exhibit A (Allocation Study), one station is short-spaced and must be moved to another channel to achieve the proposed up-grade. The net result of this rule-making will be to up-grade all both stations from Grandfathered §73.213 short spaced 3 kW to one §73.207 full spaced Class A (6 kW) and one Class C1.

PROPOSAL

Furr requests the following allocation changes:

<u>Refer</u>	<u>City</u>	<u>Delete</u>	<u>Add</u>	<u>File Numbers</u>
Furr(FM)	Pearsall, TX	281A	281C1	BPH-960926MF
4ML (FM)	George West, TX	281A	265A	BPH-940207MA

The proposed reference coordinates for Furr are:

Latitude 28°44'52" North, Longitude 98°50'13" West

This site is 30 kilometers southeast of the reference coordinates of Pearsall, Texas. From this proposed site the entire city of Pearsall will be served with the 70 dBμ contour as required by Section 73.315(a) and Section 73.315(b) of the FCC Rules as shown in Exhibit B (City Coverage Map). Exhibit A is an allocation study

of this site as a Class C1. This demonstrates compliance with all requirements as set forth in Section 73.207 of the FCC Rules, except as relates to George West, 281A (deleted from study). Furr proposes to construct a tower in the general area of this reference coordinate and requests that this coordinate be used for the rule-making. This site is 126 km from the nearest point to the US-Mexican border, which is less than the 320 km required coordination distance. The George West allocation being substituted for 265A already has a coordination with Mexico as Class C (941006), approved by Mexico (950510). This coordination can be moved to Pearsall with acceptance readily assured at least as Class C1.

Exhibit C is a site map showing compliance with MM Docket 92-159. This site map shows the reference coordinates is located in an area suitable for tower location.

Using this reference coordinate, the coverage of this proposed site was calculated according to Section 73.313 of the Rules and population determined by use of the digitized population database of PL 94-171. The 60 dB μ (1 mV/m) contour will encompass 16,286 square kilometers and 137,572 persons. The permitted facility currently serves a population of 10,254 persons and an area of 1,709 square kilometers. Therefore, the net gain of this proposal is 127,318 persons and 14,577 square kilometers.

George West, Texas

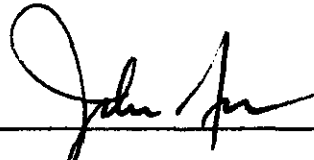
Four ML Broadcasting, Inc. ("4ML") currently has a construction permit for Channel 281A, which clears the alternate site proposed for 265A. Exhibit D is an allocation study of this site as Class A. This site is 161 km from the nearest point to the US-Mexican border, which is less than the 320 km required coordination distance. Because this represents an up-grade from 3 to 6 kW, the persons served will increase from 7,418 to 7,636, or a net gain of 218 persons.

CONCLUSION

This proposal is within the guidelines of Docket 85-247 and in the public interest:

- The proposed Furr Channel 281C1 will increase power from 3 to 100 kW. This results in superior service and increased population over the existing Class A.
- The proposed 4ML Channel 265A will increase power from 3 to 6 kW. This results in superior service and increased population.

March 12, 1999



John R. Furr

08-18-1999

John Furr & Associates Inc.

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FM Study for: NEW
 Location: PEARSALL, TX
 Call City, State
 Status Proponent

FCC Database Date: 8/1999 28-44-52
 Channel Class: C1 98-50-13
 Chan Class Freq kW Latitude Dist. Required
 File Number HAAT Longitude Azm. Clear (km)

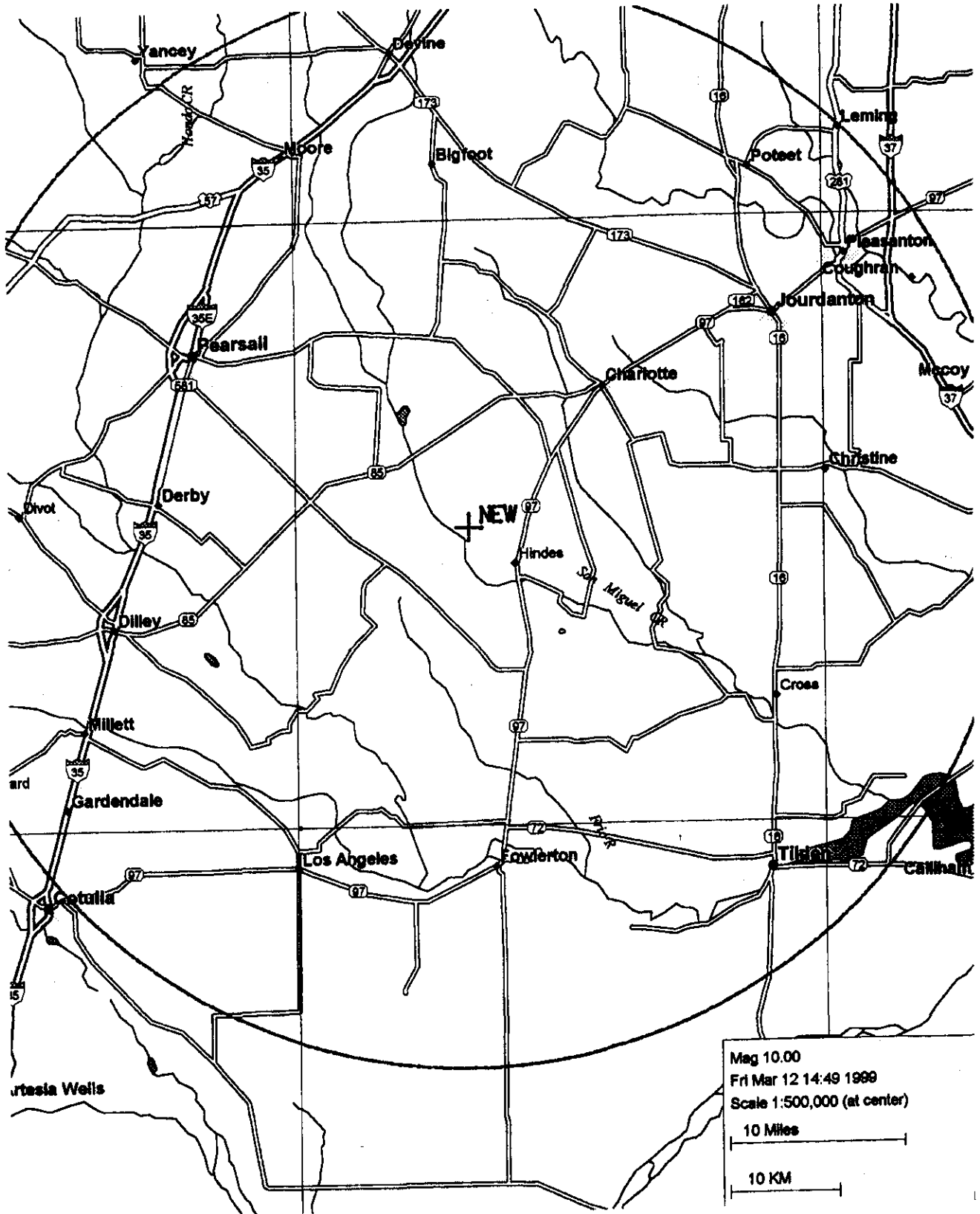
 >>>>>>> Study For Channel 281 104.1 MHz <<<<<<<<

ALLOC	PEARSALL, TX	281 A 104.1	28-53-30	30.0	200	
VAC		Docket-89-30	0	99-05-48	302.2	SHORT
		Use of 73.215 for short spacing requires:	178		-148.0	SHORT
NEW	PEARSALL, TX	281 A 104.1	3.	28-52-30	30.9	200
APP	John Raymond Furr	BPH-960926MF	100	99-07-05	297.3	SHORT
		Use of 73.215 for short spacing requires:	178		-147.1	SHORT
NEW	GEORGE WEST, TX	281 A 104.1	3.0	28-24-26	75.5	200
CP	Four M.L. Broadcastin	BPH-940207MA	76	98-10-05	119.8	SHORT
		Use of 73.215 for short spacing requires:	178		-102.5	SHORT
ALLOC	VILLA UNION, CI	282 B 104.3	28-14-00	194.71	195	
		-	0	100-44-30	253.5	CLOSE
XHVUNF	VILLA UNION, CI	282 B 104.3	50.0	28-14-00	194.71	195
		-	150	100-44-30	253.5	CLOSE
KZEPFM	SAN ANTONIO, TX	283 C1 104.5	100.	29-25-09	81.92	82
LIC	Texas Lotus Corporati	BMLH-820806AJ	201	98-29-06	24.6	CLOSE
ALLOC	CIUDAD ACUNA, CI	280 C 103.9	29-19-33	213.4	209	
		-	0	100-55-51	287.9	CLOSE
KBLT	LEAKEY, TX	282 A 104.3	1.0	29-41-34	141.5	133
LIC	Horizon Broadcasting,	BLH-960805MC	181	99-48-56	318.0	CLOSE
FA	MASON, TX	281 A 104.1	30-44-55	225.0	200	
ADD	First Broadcasting Ma	Docket-98-198	0	99-13-49	350.4	CLEAR
KBFM	EDINBURG, TX	281 C 104.1	100.	26-05-59	309.6	270
LIC	May Communications, I	BLH-830927AD	305	97-50-16	161.2	CLEAR

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 COMMUNICATIONS
 CONSULTANTS

ALLOCATION STUDY

NEW
 PEARSALL, TX
 EXHIBIT A



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CITY COVERAGE MAP

NEW
PEARSALL, TX
EXHIBIT B

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**NEW
PEARSALL, TX
EXHIBIT C**

08-18-1999

John Furr & Associates Inc.

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FM Study for: NEW
 Location: GEORGE WEST, TX
 Call City, State
 Status Proponent

FCC Database Date: 8/1999
 Channel Class: A
 Chan Class Freq kW Latitude Dist.
 File Number HAAT Longitude Azm. Clear (km)

 >>>>>>> Study For Channel 265 100.9 MHz <<<<<<<<

KONOFM	HELOTES, TX	266 C1	101.1	97.	29-31-25	135.1	133	
LIC	October Communication	BLH-980731KB	302		98-43-25	336.5	+2.1	CLOSE
NEW	VICTORIA, TX	265 A	100.9	3.0	28-48-46	117.1	115	
APP	Larry V. Rexna	BPH-971120MK	91		97-03-45	67.2	+2.1	CLOSE
KEPG	VICTORIA, TX	265 A	100.9	2.90	28-47-20	117.3	115	
LIC	Yolanda G. Dorsett	BLH-890224KF	93		97-03-00	68.6	+2.3	CLOSE
KMPM	PREMONT, TX	264 C3	100.7	25.	27-28-30	103.9	89	
CP	Paulino Bernal	BPH-970501ID	87		98-03-23	173.9	+14.9	CLOSE
KNCN	SINTON, TX	267 C1	101.3	100.	27-55-24	90.6	75	
LIC	Gulfstar Communicatio	BMLH-575		110	97-25-26	126.1	+15.6	CLEAR

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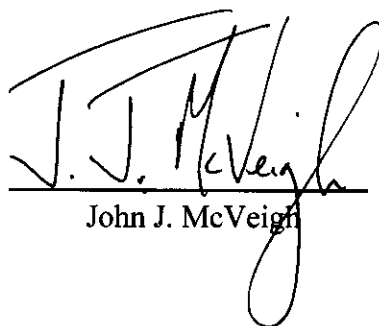
ALLOCATION STUDY

NEW
 PEARSALL, TX
 EXHIBIT D

CERTIFICATE OF SERVICE

I certify that I have this Twenty-third day of August, 1999, sent a copy of the foregoing
PETITION FOR RULE MAKING AND FOR MODIFICATIONS OF CONSTRUCTION PERMITS by
first-class United States mail, postage prepaid, to:

Four M.L. Broadcasting
115 West Avenue "D,"
Robstown, Texas 78380.



John J. McVeigh